

FORM PTO 1390 (REV 10-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 27392/26387	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/505463</b>	
INTERNATIONAL APPLICATION NO. PCT/EP03/02567		INTERNATIONAL FILING DATE 12 March 2003		PRIORITY DATE CLAIMED 10 April 2002	
TITLE OF INVENTION DEVICE FOR THE IMPLANTATION OF MARKING BODIES AND A MAGAZINE WITH MARKING BODIES FOR THIS DEVICE					
APPLICANT(S) FOR DO/EO/US Christoph FANKHAUSER and René VON BURG					

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing 35 U.S.C. 371.
- ☒ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☒ The US has been elected (Article 31).
- ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - ☒ is attached hereto (required only if not communicated by the International Bureau).
  - ☒ has been communicated by the International Bureau.
  - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - ☒ is attached hereto.
  - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - ☐ are attached hereto (required only if not communicated by the International Bureau).
  - ☐ have been communicated by the International Bureau.
  - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - ☒ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

- ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☒ A preliminary amendment.
- ☐ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
- ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- ☒ Other items or information: International Search Report; International Preliminary Examination Report; return receipt postal card

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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b> <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1080.00 <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$920.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$770.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$730.00 <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 <p align="center"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p> Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).		<b>CALCULATIONS    PTO USE ONLY</b>
		\$ 920.00
		\$
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>RATE</b>
Total claims	26-20 =	x 18.00
Independent claims	2-3 =	x 0.00
MULTIPLE DEPENDENT CLAIM(s) (if applicable)		+
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$ 1,028.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$
<b>SUBTOTAL =</b>		\$ 1,028.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).		\$
<b>TOTAL NATIONAL FEE =</b>		\$ 1,028.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+ \$
<b>TOTAL FEES ENCLOSED =</b>		\$ 1,028.00
		<b>Amount to be refunded:</b> \$
		<b>charged:</b> \$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>1,028.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>13-2855</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.		
SEND ALL CORRESPONDENCE TO:		
James P. Zeller MARSHALL, GERSTEIN & BORUN LLP 233 S. Wacker Drive, Suite 6300 Sears Tower Chicago, Illinois 60606-6357 (312) 474-6300 CUSTOMER NUMBER: 04743		SIGNATURE: NAME: James P. Zeller
		28,491
		REGISTRATION NUMBER

10/505463 PATENT

IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

Applicants: Fankhauser et al.	)	For: DEVICE FOR THE IMPLANTATION
	)	OF MARKING BODIES AND A
U.S. National Phase of	)	MAGAZINE WITH MARKING BODIES
PCT/EP03/02567 filed March 12,	)	FOR THIS DEVICE
2003	)	
	)	Group Art Unit: To be assigned
Filed: Herewith	)	
	)	Examiner: To be assigned
	)	

## CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that the attached seven items (a) through (g) are being deposited with the United States Postal Service on August 20, 2004, in a postage-paid envelope addressed to Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EV323769381US.

- (a) Transmittal letter to the United States Designated/Elected Office (DO/EO/US) concerning a filing under 35 U.S.C. §371;
- (b) International application as filed;
- (c) Translated application, including seven sheets of description, five sheets of claims, and two sheets of drawings;
- (d) Preliminary amendment;
- (e) Information disclosure statement;
- (f) International Search Report; and
- (g) International Preliminary Examination Report.

  
Richard Zimmermann